IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

Bail Appl..No. 5382 of 2007()

(CRIME NO.187/2007 OF CHEVAYUR POLICE STATION)
.....

PETITIONER/ACCUSED NO.6

ISMAIL A S/O. V.ASSANARU PILLA, AGED 33 YEARS, AMBALATH VILAKAM, T.C. 20/1393, KUNJALAMOODU, KARAMANA, TRIVANDRUM DISTRICT.

BY ADV. SRI.VINOD SINGH CHERIYAN
SRI.R.SUDHISH
SRI.MANJU R. SUDHISH

RESPONDENTS:
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1. **STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.**

2. **THE CIRCLE INSPECTOR OF POLICE, CHEVAYOOR POLICE STATION, KOZHIKODE,REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5382 of 2007

Dated this the 7th day of September 2007

O R D E R

Application for regular bail. The petitioner faces allegations under Section 376 I.P.C. He is the sixth accused in the crime. The crux of the allegations is that the victim was offered for sexual intercourse by others by the first accused, a relative of the victim, who had taken her from the aftercare home where she was lodged. The crux of the allegations against the petitioner is that he had sexual intercourse with the victim whose consent for such sexual intercourse was obtained at the instance of the first accused. I have already considered the application for regular bail of a co-accused (fifth accused) and granted him bail as per order dated 23/8/2007 in B.A.No.5122/2007. I am not in these circumstances adverting to facts in detail.

2. The learned counsel for the petitioner submits, the learned Public Prosecutor agrees and I am satisfied that the petitioner whose role is also identical and similar to the role of

the said 5th accused can also be granted regular bail subject to appropriate conditions. The petitioner has been remaining in custody from 5/8/2007.

3. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) He shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays for a period of one month and thereafter as and when directed by the investigating officer in writing to do so.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007